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Dkt: 0575/61150/JPW/APE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Paul B. Fisher and Zao-Zhong Su
U.S. Serial No. : 09/621,781
Filed : July 21, 2000
For : NUCLEIC ACIDS COMPRISING REGIONS OF THE RAT PEG-3 PROMOTER THAT DISPLAY ELEVATED EXPRESSION IN HUMAN CANCER CELLS AND USES THEREOF

1185 Avenue of the Americas
New York, New York 10036
November 15, 2000

Assistant Commissioner for Patents
Washington, D.C. 20231

ATTN: Box Missing Parts

Sir:

**COMMUNICATION IN RESPONSE TO
OCTOBER 6, 2000 NOTICE TO FILE MISSING
PARTS OF NONPROVISIONAL APPLICATION UNDER 37 C.F.R. §1.53(b)**

This Communication is submitted in response to the October 6, 2000 Notice to File Missing Parts of Application Under 37 C.F.R. §1.53(b) issued in connection with the above-identified patent application. A copy of the October 6, 2000 Notice is attached hereto as **Exhibit A**. A response to the October 6, 2000 Notice is due on December 6, 2000. Accordingly, this Communication is being timely filed.

The October 6, 2000 Notice stated that the application does not comply with 37 C.F.R. 1.53(b) because the oath or declaration is unsigned and to avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 C.F.R. §1.116(e) of \$65.00 for small entity in compliance with 37 C.F.R. §1.27, must be submitted with the missing items identified in the October 6, 2000 Notice.

Applicant hereby submits an executed Declaration and Power of Attorney pursuant to 37 C.F.R. §1.53(d) and in compliance with 37 C.F.R. §1.63 (attached as **Exhibit B** hereto). The Declaration

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refers to the application's above-identified serial number and filing date.

A check for a total amount of \$65.00 is enclosed herewith to cover the surcharge for filing a Declaration and Power of Attorney.

No fee, other than the \$65.00 surcharge is deemed necessary in connection with the filing of this Communication. However, if any fee is required, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 03-3125.

Respectfully submitted,

A handwritten signature in cursive ink, appearing to read "John P. White".

John P. White
Registration No. 28,678
Jane M. Love
Registration No. 42,812
Attorneys for Applicant
Cooper & Dunham LLP
1185 Avenue of the Americas
New York, New York 10036
(212) 278-0400

I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to:	
Assistant Commissioner for Patents, Washington, D.C. 20231.	
 John P. White	Date 11/15/00
Reg. No. 28,678	
Jane M. Love	
Reg. No. 42,812	



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/621,781	07/21/2000	Paul B. Fisher	61150/JPW/JML

John P White
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1185 Avenue of the Americas
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FORMALITIES LETTER



Date Mailed: 10/06/2000

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 65.

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center
Initial Patent Examination Division (703) 308-1202
PART 2 - COPY TO BE RETURNED WITH RESPONSE

11/24/2000 WKOROMA 00000048 09621781

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BACKFILE DOCUMENT INDEX SHEET



A DOCPHOENIX

APPL PARTS

IMIS _____
Internal Misc. Paper

LET. _____
Misc. Incoming Letter

371P _____
PCT Papers in a 371 Application

A... _____
Amendment Including Elections

ABST _____
Abstract

ADS _____
Application Data Sheet

AF/D _____
Affidavit or Exhibit Received

APPENDIX _____
Appendix

ARTIFACT _____
Artifact

BIB _____
Bib Data Sheet

CLM _____
Claim

COMPUTER _____
Computer Program Listing

CRFL _____
All CRF Papers for Backfile

DIST _____
Terminal Disclaimer Filed

DRW _____
Drawings

FOR _____
Foreign Reference

FRPR _____
Foreign Priority Papers

IDS _____
~~IDS~~ IDS 4
IDS Including 1449

SRNT _____
20/11/08
Examiner Search Notes

CLMPTO _____
PTO Prepared Complete Claim Set

NPL _____	CTNF _____
Non-Patent Literature	Count Non-Final
OATH _____	CTRS _____
Oath or Declaration	Count Restriction
PET. _____	EXIN _____
Petition	Examiner Interview
RETMAL _____	M903 _____
Mail Returned by USPS	DO/EO Acceptance
SEQLIST _____	M905 _____
Sequence Listing	DO/EO Missing Requirement
SPEC _____	NFDR _____
Specification	Formal Drawing Required
SPEC NO _____	NOA _____
Specification Not in English	Notice of Allowance
TRNA _____	PETDEC _____
Transmittal New Application	Petition Decision

OUTGOING

CTMS _____	AP.B _____
Misc. Office Action	Appeal Brief
1449 _____	C.AD _____
Signed 1449	Change of Address
892 _____	N/AP _____
	Notice of Appeal
ABN _____	PA.. _____
Abandonment	Change in Power of Attorney
APDEC _____	REM _____
Board of Appeals Decision	Applicant Remarks in Amendment
APEA _____	XT/ _____
Examiner Answer	Extension of Time filed separate
CTAV _____	
Count Advisory Action	
CTEQ _____	
Count Ex parte Quayle	
CTFR _____	
Count Final Rejection	

Internal

ECBOX _____	FWCLM _____
Evidence Copy Box Identification	File Wrapper Claim
WCLM _____	IIFW _____
Claim Worksheet	File Wrapper Issue Information
WFEE _____	SRFW _____
Fee Worksheet	File Wrapper Search Info

File Wrapper

FWCLM _____
File Wrapper Claim
IIFW _____
File Wrapper Issue Information
SRFW _____
File Wrapper Search Info